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CONSIDERATION OF REPORTS SUBMITTED BY STATES PARTIES UNDER ARTICLE 40 OF THE COVENANT

Initial reports of States parties due in 1993

Addendum

LATVIA 1/

[26 September 1994]

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Introduction

1. The Republic of Latvia submits the following initial report to the United Nations in accordance with article 40 of the Covenant on Civil and Political Rights ("the Covenant") thereby expressing its will to review the progress being made as a result of the reforms introduced since 4 May 1990 when the Supreme Soviet of the Latvian SSR proclaimed the Declaration of the Renewal of the Independence of the Republic of Latvia and recognized the supremacy of the fundamental principles of international law over national law. On the same day, the Declaration on the Accession of the Republic of Latvia to International Instruments relating to Human Rights ("the Declaration on Human Rights") was adopted.

2. The Republic of Latvia acceded to the Covenant with the Declaration on Human Rights, adopted by the Supreme Council of the Republic of Latvia on 4 May 1990. On 24 March 1992, the Ministry for Foreign Affairs of the Republic of Latvia forwarded a letter enclosing the Declaration on Human Rights to the Secretary-General of the United Nations. This Declaration on Human Rights was treated as the instrument of accession by the Government of Latvia to the Covenant. The said instrument was deposited with the Secretary-General on 14 April 1992, the date of its receipt. In accordance with article 49.2 of the Covenant, it entered into force for Latvia three months after the date of deposit, i.e. on 14 July 1992.

I. GENERAL COMMENTS

A. International human rights instruments

3. On 4 May 1990, the Supreme Council of the Republic of Latvia proclaimed the Declaration on Human Rights. It established that "considering the important role of the United Nations in assisting the movement for independence in Trust and Non-Self-Governing Territories, being convinced of the rights of all people to freely determine their political status and to pursue their economic, social and cultural development, recognizing what was declared in the Act of Proclamation of the Republic of Latvia of 18 November 1918 ... all citizens, irrespective of nationality, are asked to help, for the rights of all peoples will be guaranteed in Latvia. It will be a democratic and just State where oppression and injustice will not exist".

4. Desiring that the laws of the Republic of Latvia conform to the norms of international law relating to human rights, the Supreme Council of the Republic of Latvia, acknowledging the special significance in guaranteeing human rights of international instruments adopted by the United Nations and its specialized agencies, as well as those adopted at the Helsinki, Madrid and Vienna meetings of the Conference on Security and Cooperation in Europe, proclaimed that the Republic of Latvia had acceded to the following international instruments.

1.	Universal Declaration of Human Rights	10 December 1948
2.	International Covenant on Economic, Social and Cultural Rights	16 December 1966

3.	International Covenant on Civil and Political Rights	16 December 1966
4.	Declaration on the Granting of Independence to Colonial Countries and Peoples	14 December 1960
5.	International Convention on the Elimination of All Forms of Racial Discrimination	21 December 1965
6.	International Convention on the Suppression and Punishment of the Crime of Apartheid	30 November 1973
7.	International Convention against Apartheid in Sports	10 December 1985
8.	Convention against Discrimination in Education	14 December 1960
9.	Equal Remuneration Convention	29 June 1951
10.	Convention on the Elimination of All Forms of Discrimination against Women	18 December 1979
11.	Declaration on the Elimination of All Forms of Intolerance and Discrimination Based on Religion or Belief	25 November 1981
12.	Declaration on the Fundamental Principles Concerning the Contribution of the Mass Media to Strengthening Peace and International Understanding, to the Promotion of Human Rights and to Countering Racialism, Apartheid and Incitement to War	28 November 1978
13.	Convention on the Prevention and Punishment of the Crime of Genocide	9 December 1948
14.	Convention on the Non-Applicability of Statutory Limitations to War Crimes and Crimes against Humanity	26 November 1968
15.	Principles of international cooperation in the detection, arrest, extradition and punishment of persons guilty of war crimes and crimes against humanity	3 December 1973
16.	Supplementary Convention on the Abolition of Slavery, the Slave Trade, and Institutions and Practices Similar to Slavery	7 September 1956
17.	Abolition of Forced Labour Convention	25 June 1957

18.	Convention for the Suppression of the Traffic in Persons and of the Exploitation of the Prostitution of Others	2 December 1949
19.	Standard Minimum Rules for the Treatment of Prisoners	30 August 1955
20.	Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment	10 December 1984
21.	Code of Conduct for Law Enforcement Officials	17 December 1979
22.	Principles of Medical Ethics relevant to the Role of Health Personnel, particularly Physicians, in the Protection of Prisoners and Detainees against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment	18 December 1982
23.	Safeguards guaranteeing protection of the rights of those facing the death penalty	25 May 1984
24.	United Nations Standard Minimum Rules for the Administration of Juvenile Justice ("The Beijing Rules")	29 November 1985
25.	Declaration of Basic Principles of Justice for Victims of Crime and Abuse of Power	29 November 1985
26.	Basic Principles on the Independence of the Judiciary	29 November 1985
27.	Convention on the Nationality of Married Women	29 January 1957
28.	Convention on the Reduction of Statelessness	20 August 1961
29.	Declaration on the Human Rights of Individuals who are not Nationals of the Country in which they Live	13 December 1985
30.	Convention on the International Right of Correction	16 December 1952
31.	Freedom of Association and Protection of the Right to Organise Convention	9 July 1948
32.	Right to Organise and Collective Bargaining Convention	1 July 1949
33.	Workers' Representatives Convention	23 June 1971
34.	Labour Relations (Public Service) Convention	27 June 1978

35.	Employment Policy Convention	9 July 1964
36.	Convention on the Political Rights of Women	20 December 1952
37.	Declaration of the Rights of the Child	20 November 1959
38.	Declaration on the Protection of Women and Children in Emergency and Armed Conflict	14 December 1974
39.	Declaration on the Promotion among Youth of the Ideals of Peace, Mutual Respect and Understanding between Peoples	7 December 1965
40.	Declaration on Social and Legal Principles relating to the Protection and Welfare of Children, with Special Reference to Foster Placement and Adoption Nationally and Internationally	3 December 1986
41.	Declaration on the Rights of Mentally Retarded Persons	20 December 1971
42.	Universal Declaration on the Eradication of Hunger and Malnutrition	16 November 1974
43.	Declaration on the Rights of Disabled Persons	9 December 1975
44.	General Assembly resolution 41/114	4 December 1986
45.	Declaration on the Right of Peoples to Peace	12 November 1984
46.	Declaration on the Right to Development	4 December 1986
47.	General Assembly resolution 41/117	4 December 1986
48.	Declaration of the Principles of International Cultural Co-operation	4 November 1966
49.	The Final Act of the Helsinki Meeting of Representatives of the Participating States of the Conference on Security and Co-operation in Europe	1975
50.	The Concluding Document of the 1980 Madrid Meeting of Representatives of the Participating States of the Conference on Security and Co-operation in Europe	1983
51.	The Concluding Document of the 1986 Vienna Meeting of Representatives of the Participating States of the Conference on Security and Co-operation in Europe	1989

5. The Republic of Latvia will take all the necessary steps to accede to the following international instruments concerning human rights:

1957 European Convention on Extradition;

1959 European Convention on Mutual Assistance in Criminal Matters;

1983 European Convention on the Transfer of Proceedings in Criminal Matters.

B. Constitutional protection of civil and political rights

6. The Constitution of 15 February 1922 of the Republic of Latvia, which was restored in general in 1993, has no provisions on human rights. It was the first constitutional law of the first independent Republic of Latvia.

C. Relationship between the Covenant and the domestic law of the Republic of Latvia

7. Latvia initially recognized fundamental rights and freedoms by passing the Declaration of 4 May 1990 on the renewal of the independence of the Republic of Latvia. The supremacy of the fundamental principles of international law over national law was established by this Declaration (art. 1). Article 8 guarantees to the "citizens of the Republic of Latvia, and those of other nations permanently residing in Latvia, social, economic and cultural rights, as well as those political rights and freedoms which are defined in international human rights instruments [and] [T]o apply these rights also to those citizens of the USSR who express the desire to continue living in the territory of Latvia".

8. As mentioned above, on the same day as proclaiming the renewal of independence of the State, the Supreme Council of the Republic of Latvia passed the Declaration on Human Rights. Recognizing that all human beings are born free and equal in rights; convinced of the right of all peoples to freely determine their political status and to pursue their economic, social and cultural development; desiring that the laws of the Republic of Latvia conform to the norms of international law relating to human rights, the Supreme Council of the Republic of Latvia proclaimed accession to 51 international instruments concerning human rights (see para. 4), including such fundamental international human rights' instruments as the Universal Declaration of Human Rights, the International Covenant on Civil and Political Rights and the International Covenant on Economic, Social and Cultural Rights.

9. The Constitutional Law on the Rights and Obligations of a Citizen and a Person; adopted by the Supreme Council on 10 December 1991, guarantees all the fundamental rights which are dealt with in the International Covenant on Civil and Political Rights. In article 1 of the Constitutional Law it is declared that a person, his/her existence, freedom, honour and rights are estimated to be the highest fundamental values of the State of Latvia. Section II of the Constitutional Law contains provisions on the rights and obligations of a citizen. Section III of the Law aforementioned contains provisions concerning the rights and obligations of a person. Article 12 proclaims the principle of equality of all persons under the law in Latvia. All the fundamental rights

guaranteed by the Constitutional Law are examined in greater detail below, as the concrete legal basis for implementing in Latvia the provisions of the present Covenant.

10. The Supreme Council of the Republic of Latvia adopted the Law on Religious Organizations, on 11 September 1990, which guarantees the equality of all inhabitants of Latvia. The basis for the adoption of the this Law was the Constitutional Law and the observance of the international covenants and agreements concerning human rights in the sphere of religion. The Law on Religious Organizations regulates social relations formed through the realization of freedom of conscience in accordance with the activities of religious organizations granted by the Constitution of the Republic:

> "Every resident of the Republic of Latvia has the right to the freedom of conscience, conviction and religion, which includes the rights to freely determine one's attitude to religion, to individually or together with others turn to any religion or to none of them, to take part in religious rituals, to freely change religious or other convictions, as well as to voice and to propagate one's conviction and one's views in accordance with the Constitution of the Republic."

11. On 15 October 1991, the Supreme Council of the Republic of Latvia adopted a resolution entitled "On the Renewal of Republic of Latvia Citizens' Rights and Fundamental Principles of Naturalization", in which it recognized as invalid with regard to citizens of the Republic of Latvia from the moment of the adoption of that resolution, the USSR Supreme Soviet Presidium decree of 7 September 1940 "On the order in which citizens of the Lithuanian, Latvian and Estonian Soviet Socialist Republics are granted USSR citizenship"; and instituted the following order to determine the existing aggregate body of Republic of Latvia citizens:

> "Persons, who belong to the aggregate body of Republic of Latvia citizens and who had Republic of Latvia citizenship on 17 June 1940, and their descendants, who at the moment of this resolution's adoption live in the Republic of Latvia, who register by 1 July 1992, and who receive Republic of Latvia passports according to the procedures set forth by the Republic of Latvia Council of Ministers;
>
> "Persons, who belong to the aggregate body of Republic of Latvia citizens and who had Republic of Latvia citizenship on 17 June 1940, and their descendants, who at the moment of this resolution's adoption do not live in the Republic of Latvia or are citizens of another country, can at any time register and, if they show their permission of expatriation, can receive Republic of Latvia passports according to the procedures set forth by the Republic of Latvia Council of Ministers.
>
> "A Republic of Latvia citizen cannot simultaneously be a citizen of another country."

The resolution established that those who did not hold Latvian citizenship on 17 June 1940 may acquire it by naturalization. It also established that citizenship cannot be granted to several categories of people. Republic of Latvia citizenship is not granted to persons who:

(i) Using anti-constitutional methods, have turned against the Republic of Latvia's independence, its democratic, parliamentary State system or the existing State power in Latvia, if such has been established by a court decree;

(ii) Have been convicted with imprisonment for international criminal acts or have been called to criminal responsibility at the time that the granting of citizenship is being decided;

(iii) Are serving in the USSR Armed Forces, USSR Interior Armed Forces or State security services, as well as persons who after 17 June 1940, have chosen the Republic of Latvia as their place of residence after demobilization from the USSR Armed Forces, USSR Interior Armed Forces or State security services and who, upon induction into such service, did not permanently reside in Latvia's territory.

12. On 9 June 1992, the Supreme Council adopted the Law on Entry and Residence for Foreign Citizens and Stateless Persons in the Republic of Latvia. The goal of this Law is to regulate the process which influences the population structure in Latvia, as well as to promote the social and economic development of the people of Latvia in accordance with generally accepted standards of human rights (art. 2).

13. On 15 December 1992 the Law on Judicial Power was passed. A large number of its provisions are closely related to the process of implementation of fundamental rights and freedoms. A more detailed description of those norms is given in the following paragraphs. Several parts of this Law will only come into force when the law of civil and criminal procedure is passed by Parliament.

14. The Civil Law of 1937 of the Republic of Latvia has been re-established. Changes and amendments have been made in: the Criminal Code of Latvia; the Criminal Procedure Code of Latvia; the Civil Procedure Code of Latvia; the Labour Code of Latvia; the Code of Administrative Abuses of Latvia.

15. The Government formed by the 5th Saeima (Parliament) - the Cabinet of Ministers - in its declaration of 21 July 1993 on envisaged activities announced the following three main areas of reform: the economy, government administration and the judicial area. The Satversme (Constitution) of the Republic of Latvia has been renewed and corresponding legislative power (Saeima) and executive power (Cabinet of Ministers) have been established, but judicial power has not been reorganized yet. Therefore, the implementation of judicial reform is a task of the first priority. The enforcement of laws and other statutes adopted by the executive power is impossible without judicial reform.

16. The goal of these changes is to create a just State. It is proclaimed in the Declaration aforementioned that only in a just State can each citizen and inhabitant could realize themselves as a full subject of law, not dependent upon eventual arbitrariness of administration.

17. The Government has declared that there exist four main areas of judicial reform:

(i) The establishment of the Constitutional (Satversmes) Court (see paras. 45-53);

(ii) The establishment of the State Control and Prosecutors' Supervision (see paras. 18-19);

(iii) Drafting of civil and administrative procedure (see paras. 23-26);

(iv) Strengthening of the Constitutional rights and freedoms of a citizen and individual (see paras. 27-37).

18. The Law on Prosecutor's Supervision was adopted on 19 May 1994. Article 2 defines the functions of the prosecution. They are the following:

(i) To supervise the operation of inquest;

(ii) To realize the direction and implementation of the preliminary investigation;

(iii) To establish and realize the criminal investigation;

(iv) To counsel concerning the criminal charge;

(v) To defend the interests and rights of the individual and the State;

(vi) To supervise the implementation of penalties provided by law;

(vii) To bring an action before the court;

(viii) To participate in the trials in the cases defined by law.

19. Article 15 provides that:

(i) The prosecutor supervises the execution of the penalties linked with the deprivation of liberty and the places where the persons deprived of their liberty are held;

(ii) The prosecutor has the right to take a decision and to release persons who have been deprived of their liberty unlawfully;

(iii) The protest of the prosecutor suspends deprivation of liberty, until his protest is examined.

20. To ensure the accomplishment of the State's functions, the reform of the governmental administration has been initiated. The functions of the State's administration have been defined more precisely. In accordance with these definitions, the functions of the institutions of governmental administration have been improved and amended.

21. The Law on Municipalities, adopted on 19 May 1994 defines precisely the situation of municipalities in the framework of the State, and establishes their functions in the strict interest of citizens and residents of the Republic of Latvia, in accordance with the principles of the European Charter of Municipalities.

22. The Law on the Civil Service of the second Republic of Latvia has been restored recently. It stipulates that the civil service ensures the functions of State power.

23. There exist certain projects for the establishment of an administrative court system in Latvia. Its lower or first instance stage might be administrative judges, to try cases of administrative matters of lesser importance. The second instance stage or the instance of appeal might be an administrative court in each regional court. Those administrative courts, in accordance with the Law on Judicial Power, might be the court of first instance for some kinds of cases under administrative law.

24. And the court of cassation might be the Constitutional Court (Satversmes Tiesa), which would have the right (now - only a draft) to make a decision on the correspondence of administrative acts to the rights of an individual and citizen, stipulated in the Constitutional Law of a Person and a Citizen of 10 December 1991. In this context the drafting of the fifth part of the Satversme (Constitution) "The rights and obligations of a person and citizen", must be mentioned.

25. The first chapter of the draft Code of Administrative Offences is entitled "General regulations". It contains provisions concerning the goal of administrative procedure to guarantee legal trial in due conformity with the interests of an individual, as well as the interests and obligations of the administration. Afterwards, in conformity with the aforementioned, it stipulates that administrative procedure is not in any way a punishment. It is a prohibition of the main goal of the Code of Administrative Offences which is still in force. It means a transition to the genuine respect of an individual in a just State.

26. The providing of justice is an indispensable aspect of the implementation of administrative procedure. This aspect is binding for individuals, as well as for courts and for governmental institutions. When everybody - individuals, courts and governmental institutions - has their rights respected in accordance with the law, then the State can be defined as "a just State".

27. The Republic Latvia Law on Citizenship was adopted by the Saeima on 21 June 1994. Amendments were adopted on 22 July 1994.

28. Article 1 of the Law on Citizenship provides:

(i) Citizenship of Latvia is a person's permanent legal connection with the State of Latvia;

(ii) The substance of Latvian citizenship is the total complex of the mutually interrelated rights and obligations of both a citizen and the State.

29. Article 2 provides that citizens of Latvia are:

(i) Persons who were citizens of Latvia on 17 June 1940, and their descendants who have registered according to the procedures established by law, except persons who have become citizens (subjects) of another State after 4 May 1990;

(ii) Persons who have obtained the citizenship of Latvia, through naturalization or in another manner in accordance with the procedures established by law;

(iii) Children found within the territory of Latvia whose parents are not known;

(iv) Children with no parents who live in an orphanage or boarding school in Latvia;

(v) Children both of whose parents were citizens of Latvia on the day of birth of such children, regardless of the place of birth of such children.

30. Article 4 specifies that the rights and obligations of Latvian citizens are equal, regardless of the manner in which citizenship was obtained. Article 5 provides that:

(i) The marriage of a Latvian citizen to an alien or a stateless persons and the dissolution of such a marriage, shall not cause a change in the citizenship of the Latvian citizen;

(ii) The acquisition or loss of the citizenship of Latvia by one spouse does not affect the citizenship of the other spouse.

In accordance with article 6, residence outside the territory of Latvia shall not cause loss of Latvian citizenship by citizens of Latvia, regardless of the term of such residence, except in the cases provided for by this Law. And article 7 provides that citizens of Latvia abroad shall enjoy the protection of the State of Latvia.

31. Article 9 specifies that:

(i) The granting of Latvian citizenship to a person shall not lead to dual citizenship;

(ii) If a citizen of Latvia simultaneously can be considered a citizen (subject) of a foreign country in accordance with the laws of that country, then the citizen shall be considered solely a citizen of Latvia in his/her legal relations with the Republic of Latvia.

32. Article 12 sets out the following general regulations for naturalization. Citizenship of Latvia shall be granted through naturalization only to those persons who are registered in the Residents' Registry and:

(i) Whose place of permanent residence, on the submission date of their application for naturalization, has been Latvia for no less than five years counting from 4 May 1990 (for persons who arrived in Latvia after 1 July 1992, the five-year term shall be counted from the date of the issuance of their permanent residence permit);

(ii) Who have command of the Latvian language;

(iii) Who know the basic principles of the Republic of Latvia Satversme (Constitution) and the Constitutional Law on the Rights and Obligations of a Citizen and a Person;

(iv) Who know the national anthem and the history of Latvia;

(v) Who have a legal source of income;

(vi) Who have taken an oath of loyalty to the Republic of Latvia;

(vii) Who have submitted a statement of renunciation of their former citizenship and have received an expatriation permit from the State of their former citizenship, if such permit is provided for by the laws of that State, or have received a document certifying the loss of citizenship; and

(viii) Who are not subject to the naturalization restrictions listed in article 11 of this Law.

33. Article 28 provides that if an international agreement ratified by the Saeima provides for regulations other than those contained in this Law, the regulations of the international agreement shall be applied.

34. Work on drafting a law on the institution of Ombudsman has started. Opinion of the Council of Europe's working group on the administrative law has generated an understanding of the actions of the administrative procedure realized by the Ombudsman. The question of what the functions and status of the Ombudsman in the system of administration in the Republic of Latvia will be answered on a scientific basis whether the establishment of this institution will provide supervision, and whether the constitutional (within the framework of the Constitutional Court) or administrative (procedural) framework (within the framework of the administrative court) is the field of observance of the rules related to the rights of an individual.

35. For achieving the goal of a democratic and just State, the process of improving the legal system in the sphere of acts of legislation is under way. Alongside, a new court system has been established to implement the provisions of legislation.

36. Drafting of the following laws is under way:

Criminal code of the Republic of Latvia;

Criminal procedure code of the Republic of Latvia;

Civil procedure code of the Republic of Latvia;

Code of administrative offences of the Republic of Latvia;

Latvian administrative procedure law;

Latvian penal code.

37. In the sphere of the protection of the rights of an individual, a new law on the entry and residence of foreigners and stateless persons must be drafted (in accordance with the Law on Citizenship, adopted on 21 July 1994) and the Constitutional Law on the Rights and Obligations of a Citizen and a Person must be amended.

D. Authorities having jurisdiction over human rights

38. In recent years human rights and fundamental freedoms have been recognized and guaranteed in Latvia by the Supreme Council (former Parliament) of the Republic of Latvia. As mentioned above, a great number of relevant documents concerning the incorporation of guarantees for fundamental rights and freedoms into national legislation, in conformity with the international instruments on human rights to which Latvia has acceded, have been passed by the highest legislative body of the State.

39. The present Saeima (the Parliament) was elected on 5-6 June 1993. In accordance with article 25 of the Constitution (Satversme) of the Republic of Latvia, Parliament has established a number of standing commissions which have the right to control the implementation of laws. Every member of the Human Rights and Nationality Issues Commission specializes in a specific issue and is responsible for control over the implementation of the respective laws.

40. In designing the frame of the State system, Latvia follows the principle of Montesquieu on the separation of powers.

41. The Law on Judicial Power contains a general provision (art. 1) that "in the Republic of Latvia an independent judicial power exists alongside the legislative and the executive power". Article 2 of this Law states "In the Republic of Latvia judgement shall be passed solely and exclusively by the Court". An individual who claims that any of his rights have been violated may apply directly to the court.

42. At present Latvia has the following court system:

(a) District court, city district people's court;

(b) Supreme Court; and

(c) The Commercial Court, for solving commercial disputes.

43. In accordance with the Law on Judicial Power, adopted on 15 December 1992, Latvia will eventually have the following court system:

(a) District, city, city district courts;

(b) Regional courts (five regional courts as first instance courts dealing with civil cases, criminal cases and commercial cases which are under the jurisdiction of regional courts, as provided by article 36. A regional court hears appeals regarding civil cases, criminal cases and cases under administrative law, which have been received by a district (city) court or individually by a district (city) court judge);

(c) The Supreme Court. In accordance with article 43, the Republic of Latvia Supreme Court consists of:

(i) The Senate (as a court of cassation);

(ii) Four court panels: the Civil Court Panel, the Criminal Court Panel, the Commercial Court Panel, and the Constitution Court Panel.

The Court Panel hears appeals of cases that have been reviewed by regional courts acting as courts of first instance. Article 45 establishes that the Constitutional Court Panel decides on issues of constitutional review.

44. As mentioned above, the establishment of the Constitutional (Satversme) Court is one of the four main areas in the realization of the judicial reform started in July 1993.

45. As also previously mentioned the Government has identified four main areas of judicial reform:

(i) The establishment of the Constitutional (Satversmes) Court;

(ii) The establishment of the State Control and Prosecutors' Supervision;

(iii) Drafting of civil and administrative procedure;

(iv) Strengthening of the constitutional rights and freedoms of the citizen and of the individual.

46. Chapter II of the draft project establishes the competency of the Constitutional Court to try the following cases:

(i) Compliance of laws with the Satversme (Constitution);

(ii) Compliance of regulations adopted by the Cabinet with the Satversme (Constitution) and other laws;

(iii) Compliance of enactments enacted by the President of the State with the Satversme (Constitution) and other laws;

(iv) Compliance of ordinances enacted by local Government with the Satversme (Constitution) and other laws and regulations adopted by the Cabinet;

(v) Competency disputes among the Saeima (Parliament), the President of the State and the Cabinet;

(vi) Compliance of administrative enactments (art. 47) with human rights and the rights of citizens granted by the Satversme (Constitution);

(vii) Compliance of the national legal norms with the international treaties entered into or ratified by Latvia.

47. The following authorities shall be entitled to initiate proceedings (Part 1, art. 11):

The President of the State;

One third of the deputies of the Saeima (Parliament);

The Cabinet;

Courts that are trying specific cases.

48. The following authorities shall be entitled to initiate proceedings on compliance of Cabinet regulations with the Satversme (Constitution) and other laws (art. 11, para. 2):

The President of the State;

The Saeima (Parliament);

One third of the deputies of the Saeima (Parliament);

Courts that are trying specific cases.

49. The following authorities shall be entitled to initiate proceedings on compliance of enactments by the President of the State with the Satversme (Constitution) and other laws (art. 11, para. 3):

The Saeima (Parliament);

One third of the deputies of the Saeima (Parliament);

The Cabinet.

50. The following authorities shall be entitled to initiate proceedings on compliance of ordinances by local Government with the Satversme (Constitution), and of other laws and regulations by the Cabinet (art. 11, para. 4):

The respective local Government;

Courts trying specific cases.

51. Parties to specific disputes shall be entitled to initiate proceedings on disputes of competence among the Saeima (Parliament), the President of the State and the Cabinet.

52. Any person shall be entitled to initiate proceedings concerning the compliance of any administrative enactment with human rights and the rights of citizens granted by the Satversme (Constitution) in the event such person is the subject of such administrative enactment and such person's rights are violated by such enactment, or such person wishes such enactment to be enacted.

53. The following authorities shall be entitled to initiate proceedings on compliance of Latvian national legal norms with international treaties entered into by and ratified by Latvia (art. 11, para. 7):

The President of the State;

One third of the deputies of the Saeima (Parliament);

The Cabinet;

Courts that are trying specific cases.

54. The office of the State Minister on Human Rights was established on 15 March 1994, in the system of the Ministry of Justice. The personnel consists of four persons - the State Minister, his assistant, a lawyer and a secretary. Mr. Olafs Brūveris, a deputy from the Christian Democratic Party, was appointed State Minister by the Saeima (Parliament).

55. His functions are: to inform society on human rights questions; to analyse whether State legislation corresponds to international human rights provisions; to further the institution of the Ombudsman in Latvia; and to examining petitions concerning human rights infringements.

56. The State Minister on Human Rights has authority to demonstrate his attitude in the form of recommendations; to inform the Cabinet of Ministers about problems; to arouse the interest of the public with the assistance of the mass media; to facilitate dialogue; and to initiate amendments to the legislation in force.

57. A petition can be lodged to the office of the State Minister on Human Rights if a person considers that there exist serious grounds to do so. A petition must be lodged in written form. It can be lodged directly to the Minister or through his personnel, if a person has exhausted all possibilities to solve the problem through the institutions involved.

58. The Latvian legislators are in the process of establishing:

(i) The functions and authority of the State Minister on Human Rights;

(ii) The legal basis of the Ombudsman institution;

(iii) The administrative procedure.

The legal basis of the Prosecutor's Supervision is described in paragraphs 18 and 19 above.

II. INFORMATION CONCERNING THE APPLICATION OF ARTICLES 1 TO 27 OF THE COVENANT

Article 1

59. The Declaration of the Supreme Soviet of the Latvian SSR on the renewal of the independence of the Republic of Latvia stated that "the independent State of Latvia, founded on 18 November 1918, was granted international recognition in 1920, and became a member of the League of Nations in 1921".

60. The Latvian Nation's right to self-determination was implemented in April 1920 when the people of Latvia gave their mandate to the Constitutional Assembly chosen by universal, equal, direct and proportional elections. In February 1922 the Assembly adopted the Constitution of the Republic of Latvia (Satversme) which was still in effect at the moment of announcing the Declaration aforementioned de jure.

61. The ultimatum of 16 June 1940 from the Stalinist Government of the Soviet Union to the Latvian Government, asking for its resignation, and the ensuing military aggression, constitute international crimes which resulted in the occupation of Latvia. The elections of 14 and 15 July 1940 to the Parliament (Saeima) of occupied Latvia were held under conditions of political terror after an illegal and unconstitutional election law had been adopted. Of the 17 lists of candidates submitted, only one was permitted in the elections - the list of the Working People's Bloc. The pre-election platform of the bloc did not include any demand to establish Soviet power in Latvia or to join the Soviet Union. Moreover, the results of the elections were falsified. Thus the illegally and fraudulently formed Parliament did not represent the will of the Latvian people. It had no constitutional powers to change the system of government and bring an end to the sovereignty of Latvia. Only the people had the right to decide these matters, but no referendum was held.

62. Hence the incorporation of Latvia on 5 August 1940 into the Soviet Union is considered to be invalid in accordance with international law. The following can also be taken into account:

(a) The Declaration of Sovereignty of the Latvian State, adopted by the Supreme Soviet of the Latvian SSR on 28 July 1989;

(b) The Declaration on the Question of the Independence of the Latvian State, adopted by the Latvian Supreme Soviet on 15 February 1990; and

(c) The "Appeal of the All-Latvia Meeting of People's Deputies" of 21 April 1990.

The will of the inhabitants of Latvia was unmistakably expressed by the election to the Latvian Supreme Soviet in 1990 of a majority of deputies who had expressed a determination to restore the independence of the Republic of Latvia.

63. Being determined to restore de facto the free, democratic and independent Republic of Latvia, the Supreme Soviet of the Latvian SSR, on 4 May 1990, decided to recognize the supremacy of the fundamental principles of international law over national law and to declare invalid the decision of the Parliament of Latvia of 21 July 1940 on the Republic of Latvia joining the Soviet Union. Furthermore, it decided "to re-establish the authority of the Constitution of the Republic of Latvia adopted by the Constitutional Assembly on 15 February 1922, in the entire territory of Latvia", and decided, until the adoption of a revised constitution, to suspend the Constitution of the Republic of Latvia, except for the articles expressing the constitutional and legal foundation of the Latvian State, which, in accordance with article 77 of the Constitution, can be changed only by popular referendum:

"Article 1. Latvia is an independent democratic republic;

"Article 2. The sovereign power of the Latvian State belongs to the people of Latvia;

"Article 3. The territory of the Latvian State shall consist of Vidzeme, Latgale, Kurzeme and Zemgale within the boundaries stipulated by international treaties;"

"Article 6. The Saeima is elected by universal, equal, direct and secret vote on the basis of proportional representation."

The Declaration on the renewal of independence determined a period of transition to real independence.

Article 2

64. The Constitutional Law of 10 December 1991, entitled "The rights and obligations of the citizen and the person", stipulates in article 12 that "all persons in Latvia are equal under the law regardless of race, nationality, sex, language, party affiliation, political and religious persuasion, social, material and occupational standing and origin". The principle of non-discrimination serves as a fundamental principle when drafting laws concerning all aspects of life - political, economic, social or cultural.

65. It is determined in article 4 of the Law on Judicial Power that

> "all individuals are equal before the law and Court, and have equal rights to be protected by law. Judgements shall be passed by the Court irrespective of the people's origin, social status and property, race and nationality, sex, education, language, religious affiliation, type and nature of occupation, place of residence, political or other views".

66. An individual can protect his rights directly or indirectly through representative bodies or through social organizations in which he participates (political parties, trade unions, etc.).

67. If necessary, an individual may resort to legal action. In accordance with article 14 of the Constitutional Law each person has the right to resist unlawful violence by using all existing legal means at his/her disposal. Article 34 stipulates that each person has the right to turn to the institutions of the State government and administration with individual or collective submissions or proposals and to receive an answer in accordance with the procedure prescribed by the law.

Article 3

68. Equality of rights for men and women is established as a constitutional principle in article 12 of the Constitutional Law on the Rights and Obligations of a Citizen and a Person, where it is stated that all persons in Latvia are equal under the law, regardless of sex. The legislation of Latvia does not contain any provisions concerning any restriction of any sort in any sphere of life. The only exception is that the law prohibits women from working in jobs considered to be dangerous, and women receive maternity benefits.

69. Nevertheless, it must be mentioned that "feminization" of sectors and areas of activity generally accompanied by low wage levels - often considered to be a feature of Western European societies - also existed in Eastern Europe, particularly in Latvia. Although the State has officially proclaimed the emancipation of women as an ideological principle, a comparatively small percentage of women is involved in the highest decision-making institutions.

70. In the course of the transition period the economic and social situation has changed owing to unemployment, thus many women are deprived of their former modest economic independence from the family. The high level of unemployment which currently affects both men and women must not lead to measures which restrict women's freedom to choose between the family and paid work or force women to return to their traditional purely domestic role. The women's advocacy groups that exist are still small. Mostly they are involved in finding employment for women and struggling for social benefits.

71. The process of transition to a democratic system which involves political, social and cultural changes, is still under way. The family is still an important factor in social life and most women in Latvia wish to combine family responsibilities and paid work.

Population

	1992	1993
	End of year	
Total	2 606 176	2 565 854
Males	1 211 280	1 190 770
Females	1 394 896	1 375 084
Of whom:		
0-14 years of age	554 430	538 760
Males	282 915	274 898
Females	271 515	263 862
Working age (males - aged 15-59, females - aged 15-54)	1 483 633	1 457 238
Males	764 244	751 441
Females	719 389	705 797
Over working age	568 113	569 856
Males	164 121	164 431
Females	403 992	405 425

Employment (1992)

(Thousands)

	Total	Males	Females
Total in all branches	1 345	703	642
Agriculture, forestry and hunting	262	171	91
Fishing	7	6	1
Industry	340	182	158
Building	89	78	11
Wholesale and retail trade	138	48	90
Hotels and restaurants	49	14	35
Transport and communications	105	70	35
Financial mediation	10	1	9
Real estate services; renting and commercial activities	65	33	32
Public administration, State defence, social insurance	37	23	14
Education	101	23	78
Health service and social service	70	13	57

Unemployment

	End of 1992	End of 1993	End of May 1994
Number of unemployed	31 284	76 744	85 739
Of whom females	18 382	40 800	43 880
Number of unemployed receiving unemployment benefits	25 175	44 306	33 724
Of whom females	14 998	23 816	17 541
Registered as long-term unemployed	3 707	25 274	32 457
Of whom females	2 291	13 866	17 733
Vacancies	1 095	1 352	2 770
Of which for females	393	694	1 082

Article 4

72. The obligations under the Covenant are covered by the Law on State of Emergency of 12 February 1992, which outlines measures that can be taken in a state of emergency and specifies that a state of emergency can be established only in due conformity with the law in the following situations:

(a) If there is a danger of external aggression;

(b) If the existing State system is under the threat of mutiny;

(c) In case of serious disasters, catastrophes, epidemics, etc.

Emergency rule may last no longer than six months.

The Secretary-General of the United Nations must be informed of every case of emergency rule in the country.

73. The following restrictions can be imposed during a state of emergency:

(a) A ban on meetings, demonstrations and strikes;

(b) Special rules governing migration and the movement of people within the country;

(c) Suspension of the activities of political parties, etc.

All these measures must comply with the legislation and with the Law on State of Emergency, in particular. A state of emergency has not been introduced since the adoption of this law.

Article 5

74. As mentioned in the general comments, the Constitution (Satversme) of 1922 of the Republic of Latvia does not contain provisions concerning the fundamental rights and freedoms. The first document providing guarantees of fundamental rights, the Declaration of 4 May 1990 concerning the Renewal of the Independence of the Republic of Latvia, recognizes the primacy of fundamental principles of international law over national law (art. 1). Since these principles in particular involve a duty to ensure universal and effective observance of human rights and fundamental freedoms, by that very fact Latvia has recognized the pre-eminence of these rights and freedoms in relation to Latvia's domestic law. Thus, acknowledging the prevalence of international law over national legislation, the State of Latvia has recognized that the rights and freedoms are guaranteed by the State to the same extent that they are contained in the Covenant.

75. The rights and freedoms referring to the civil and political rights are guaranteed by the Constitutional Law on the Rights and Obligations of a Citizen and a Person. Article 44 of this Law states that "necessary restrictions on people's rights and freedoms may be determined by law in order to:

1. Protect the rights, honour, health and morals of other people;

2. Guarantee State security, public order and peace".

Article 6

76. The Criminal Code of Latvia determines criminal liability for the wilful deprivation of life - murder (Latvian Criminal Code, arts. 98-102). In accordance with that Code, the death penalty can be enacted for the following serious crimes:

Wilful murder under aggravating circumstances (art. 99);

Robbery (art. 72);

Actions which disorganize work in institutions of reformatory labour if these actions are carried out under aggravating circumstances (art. 72, para. 2);

The production or distribution of forged money or securities if done under aggravating circumstances (art. 82, para. 2);

Rape under particularly aggravating circumstances (art. 121, para. 4);

Threatening the life of a police (militia) official or a home guard (art. 186);

Hijacking of an aircraft under particularly aggravating circumstances (art. 214, para. 3).

The Criminal Code of Latvia has not been supplemented with articles determining the death penalty. The rights determined in article 6, paragraph 4 of the Covenant are guaranteed in Latvia, as well as the directions of article 5 (Criminal Code of Latvia, art. 22).

77. During 1992, five persons were punished with the death penalty, for committing the following kinds of crimes:

(i) Murder caused by selfishness;

(ii) Murder caused by hooliganic reasons;

(iii) Two or more persons killed;

(iv) If the murder was committed by a person who previously had committed a crime of the same kind;

(v) Robbery linked with violence;

(vi) Physical injuries intentionally inflicted which have caused severe damage to health;

(vii) Theft linked with violence.

Four persons were amnestied and the death penalty was carried out in one case in 1992. No death penalties were carried out during 1993. The death penalty has been envisaged as a criminal punishment in the draft Latvian criminal code. This is because of the very high level of crime.

78. The following table provides statistics on births and deaths since 1992.

Birth and death rates	1992	1993	1st quarter 1994
Births	31 569	26 759	6 178
Deaths	35 420	39 197	10 899
Natural increase of population	-3 851	-12 438	-4 721
Baby deaths (under one year)	557	434	...
Per 1,000 inhabitants	12.0	10.3	9.8
Births	13.5	15.2	17.3
Deaths	-1.5	-4.9	-7.5
Natural increase			
Baby deaths per 1,000 new-born babies	17.4	15.9	15.5
Death rate per 1,000 inhabitants	13.46	15.16	

79. Circulatory diseases caused the death of 22,018 people in 1993, (56.2 per cent of the total number of deceased), of whom 16,180 persons or 73 per cent were over 65 years of age. In 1993 the number of deaths caused by accidents, injuries and poisoning exceeded the number of deaths caused by cancer, which for a long time had been the second prevailing cause. In 1993, 5,487 people died violent deaths, 1,002 more than in 1992. The death rate in this group increased from 170 per 1,000 inhabitants in 1992 to 212 in 1993. The number of deaths caused by homicide increased by 53 per cent, from alcohol poisoning by 51 per cent, and suicides by 22 per cent in 1993 compared with 1992: 1,100 persons have committed suicide, 867 males and 233 females. Men commit suicide almost four times as often as women; 44 per cent of the men and 62 per cent of the women who committed suicide were over 50 years of age. In 1993, 5,478 persons died of cancer: 253 per thousand men and 176 per thousand women.

Article 7

80. The Criminal Procedure Code of Latvia specifies which types of evidence can be used in criminal cases. These include the evidence of witnesses, victims, suspects, material evidence, statements taken during the course of the investigation, court notes, and other documents. The Criminal Procedure Code strictly regulates the procedure of collecting, presenting and estimating evidence so as to exclude the possibility of persons who participate in the criminal process, or persons invited to do so, being subjected to torture (Criminal Procedure Code of Latvia, arts. 49-51). A person suspected or accused of a crime has the right to have an advocate with him during questioning.

81. The Criminal Code of Latvia envisages the criminal liability of officials for the malicious misuse of power or official position, as well as exceeding their power and commission. Those responsible for torture shall face criminal proceedings (Criminal Code, art. 111).

Article 8

82. On 25 May 1993 the Supreme Council of the Republic of Latvia excluded the following from the Criminal Code:

Conditional charge with deprivation of liberty (art. 24);

Reformatory labour without deprivation of liberty (art. 26);

Conditional discharge with compulsory involvement in work (art. 50).

The Criminal Code of Latvia (art. 125) provides that those who unlawfully deprive an individual of liberty shall be subjected to criminal proceedings.

83. General provisions concerning military service in the Republic of Latvia are contained in the 27 April 1993 Law on the Duty of Obligatory State Service in the Republic of Latvia. In accordance with this Law, all male citizens between the ages of 19 and 50 must carry out military service. If his religious convictions do not allow a person to serve in the army, he is required to carry out alternative labour. Military conscripts and those

carrying out alternative labour have equal rights and obligations, although the length of service for military conscripts is 18 months, while that for alternative labour is 24 months.

Article 9

84. The rights to liberty of a person are guaranteed by

(a) The Constitutional Law of the Republic of Latvia on the Rights and Obligations of a Person and a Citizen (art. 15);

(b) The Criminal Procedure Code of Latvia, where it is stated that a person can be detained in the order fixed by the law only in the case of a crime for which he can be deprived of liberty.

The office of investigation or the investigator have the right of detention only under one of the following conditions:

(i) If the person is caught red-handed or straight after committing the crime;

(ii) If the eyewitnesses, including the victims, directly indicate the person as the offender;

(iii) If obvious signs of a crime are found on the suspect or his clothes, with him or in his flat;

(iv) If other facts that provide grounds to suspect someone for committing a crime exist, the person may be detained only if he had tried to escape, has no permanent place of residence or the personality of the suspect has not been identified (Criminal Procedure Code of Latvia, art. 120).

The period of detention is 72 hours (3 days). Then the prosecutor can issue an assent for custody as a measure of security or the detainee shall be released. The prosecutor shall be informed about the detention of a person within 24 hours, the parents or persons who replace them shall be informed about the detention of juveniles with the exception of when they are accessories to the crime (Criminal Procedure Code of Latvia, art. 122).

85. Custody as a measure of security may be applied to a suspect or an accused if a crime for which deprivation of liberty for over one year can be applied is committed; in exceptional cases also for a crime for which imprisonment of not more than one year can be applied. Custody as a measure of security can be applied to a juvenile when necessary due to the seriousness of the offence or a repeated offence.

After being taken into custody as a measure of security the suspect shall be brought to trial (the indictment shall be filed) within 10 days. If no decision about bringing to trial is taken within 10 days, the suspect shall be released from custody. The period of custody in the pre-trial period is two months. This can be increased to a maximum of 18 months by court order. The maximum period a juvenile can be kept in custody pending trial is six months

(Criminal Procedure Code of Latvia, arts. 68, 69, para. 4, 70, 72, 76-80). Custody of the suspect is applied as a measure of security by the decision of the preliminary investigator, investigator or prosecutor, however the decision of the preliminary investigator or the investigator has to be approved by the prosecutor. The person placed in custody must be informed about the decision (Criminal Procedure Code of Latvia, arts. 11, 71). The prosecutor and the jury shall promptly release a person who has been unlawfully deprived of liberty, or who is kept in custody for a period exceeding that determined by law or the court decision. It is to be noted that amendments to the Criminal Procedure Code of Latvia have been submitted to the Parliament of the Republic of Latvia (Saeima) which determine that custody as a measure of security can be applied only on the decision of the court or judge. This procedure is provided for also in the draft criminal procedure code of Latvia that will comply with article 9, paragraph 3, of the Covenant. The Criminal Procedure Code of Latvia provides for custody to be replaced by different pre-trial measures. If the accused is called to criminal liability and there are no conditions that would exclude his being tried, then the criminal case should proceed to trial. In accordance with the Constitutional Law on the Rights and Obligations of a Citizen and a Person (art. 18) and the Law on Judicial Power (art. 3, para. 2) each person has the right, on the basis of complete equality, to be tried by an independent and objective court. An individual shall have the right to a fair trial. In accordance with article 6 of this Law, criminal cases are tried only by a court making a decision about the grounds of the charge, justifying innocent persons or considering them guilty in committing a crime and inflicting punishment on them.

86. According to the laws of the Republic of Latvia (art. 18 of the Law on the Rights and Obligations of a Citizen and a Person, and the Civil Law) a person has the possibility to claim compensation for unlawful detention, custody, deprivation of liberty or recovery of other damages. A chapter entitled "Rehabilitation" is anticipated in the draft criminal procedure code, where issues concerning the renewal of the rehabilitated person's material and private non-material values will be regulated.

87. The Code of Administrative Abuses establishes several cases in which a person can be deprived of liberty (art. 252):

(i) Administrative detention;

(ii) Inspection of a person or inspection of things;

(iii) Withdrawal of documents or things.

Article 252 establishes the authorities are legally entitled to implement administrative detention:

(i) Police authorities;

(ii) Military services;

(iii) Border zone services;

(iv) Customs services.

Article 253 establishes the terms of administrative detention:

In general it is no more than three hours;

In cases in the border zone;

To establish the identity of an individual having committed a delinquency.

Article 10

88. The rights of suspects, those accused, tried and detained are guaranteed by the Law on the Rights and Obligations of a Citizen and a Person (art. 19) in compliance with article 10 of the Covenant.

89. Article 33 of the Latvian Penal Code stipulates that a special regime of imprisonment cannot be applied to pregnant women and women with babies. Article 77 of the Code aforementioned announces the right of pregnant women and women with babies, as well as ill and old prisoners, to have better living conditions and a better supply of food. They have a right to receive more food from their relatives. Article 83 stipulates that imprisoned women who are pregnant and who have babies under two years of age may have the right to live outside the territory of the prison or colony with the agreement of the administration of the prison or colony. Article 42 provides the right of pregnant women and women with babies to be released from work and to have a vacation on terms which are applied to ordinary employees in accordance with the Labour Code.

Article 11

90. Latvia has no legislation which imposes custodial punishment for inability to fulfil contractual obligations.

Articles 12 and 13

91. The Citizenship and Immigration Department of the Ministry of the Interior of the Republic of Latvia, implementing the legislation of the Republic of Latvia, controls the problems of immigration, emigration and the residence of foreign citizens and stateless persons. In accordance with the principles determined by the norms of international rights, the Department supervises the exercise of the visa regime in cooperation with the State Border Guard and the police. As from 1 March 1993, it issues entry visas, considers the problems of issuing residence permits and verifies invitations to inhabitants of the countries mentioned in the list certified by the Government.

92. Certain exemptions are granted to persons or groups of persons particularly interested in visiting the Republic of Latvia. These exemptions are based on parliamentary or governmental regulations or on other documents binding the actions of the Department. For example, when introducing the visa regime with CIS countries it was discovered that for a considerable number of CIS inhabitants there was a topical necessity to visit the Republic of Latvia; nevertheless, according to the conditions of the regulations on the

introduction of the visa regime in effect at that time, only persons who had received so-called "foreign passports" could obtain the entry visa of the Republic of Latvia. This led to grounded concern and dissatisfaction amongst a certain part of the community, as they now lost relations established throughout decades. The actions of the Citizenship and Immigration Department resulted in the establishment of a time period within which residents of Russia, the Ukraine and Byelorussia were allowed to visit Latvia with a visa enclosed in their valid home passport.

93. A similar situation arose during the visit to Latvia by Pope John Paul II, when several thousand pilgrims from Russia, Byelorussia and the Ukraine went out on a mass pilgrimage to meet him. In such cases, it is practically impossible to issue visas for all persons wishing to enter the country. Therefore, respecting all the internationally recognized human rights principles the Department provided for a simplified and at the same time controlled procedure for the mass entry of foreign residents into the Republic of Latvia during the visit of John Paul II. There have been cases where people have expressed dissatisfaction with the formalities required to exercise their rights to move freely within the territory of the Republic of Latvia and to leave it. However, after thoroughly examining these complaints, we have concluded that the problems are basically connected with the psychological barrier created in a number of people by the introduction of a visa regime, which has been necessary for the normal functioning of the independent State.

94. At the same time we must admit that occasionally, particularly at the beginning of the introduction of the visa regime, certain officials of the Citizenship and Immigration Department and other State institutions - Border Guards and policemen - made mistakes when introducing practical measures necessary for the visa regime. This happened because in the newly established Latvian State there were no institutions which had been concerned with such tasks before. There was a considerable shortage of competent specialists and an urgent need for education and the hiring of staff. Thus we can conclude that the Department observes the right to free movement within the country in accordance with the Declaration on Human Rights. Forceful evictions are only carried out when breaches of residence rules have been established.

95. The resolution of the Supreme Council of the Republic of Latvia on the enforcement of the Law on the Entry and Residence of Foreign Citizens and Stateless Persons in the Republic of Latvia stipulates in article 2 that foreign citizens and stateless persons who have obtained a permanent residence permit before the date when the Law entered into force (1 July 1992), are subject to bilateral inter-State treaties and agreements as regards their conditions of residence.

96. The Citizenship and Immigration Department applied to Parliament with its opinion concerning the draft law on citizenship in October 1993.

97. The Department, in accordance with the Law on the Entry and Residence of Foreign Citizens and Stateless Persons in the Republic of Latvia and the decision of the Council of Ministers of 19 February 1993 "about the order of

reception of entrance visas and the control of individuals crossing the border of the Republic of Latvia" has issued 455 deportation orders to foreign citizens and stateless persons for the following reasons:

Residence in the Republic of Latvia without visas	284
Residence in the Republic of Latvia with invalid visas	38
The entries have been amended in visas	1
The seal has been falsified on the visa	1
The passport has been falsified	1
Invalid travel documents	76
The term of the visa's validity has not been prolonged	1
Falsified visa	2
Illegal border crossing	42
Labour without permit	1
Visa has been refused	1
A permit has been refused	2
Without documents	2

The Citizenship and Immigration Department has established that all foreign citizens and stateless persons that have legally resided in Latvia possess the rights and freedoms stipulated in the present Covenant.

Article 14

98. The rights set out in article 14, paragraph 1 are guaranteed by:

(a) The Law on the Rights and Obligations of a Citizen and a Person (art. 18);

(b) The Law on Judicial Power (art. 3), which determines that each person has the right to legal defence against a threat to his life, health, personal liberty, honour, dignity and property. Article 4 of this Law guarantees a person's equality before the law and the court. Justice is administered irrespective of the person's origin, social and material position, race and national identity, sex, education, language, religious affiliation, occupation, character, place of residence, and political and other views. Article 5 of the law on Judicial Power provides for the administration of justice in civil cases, article 6 in criminal cases, article 7 in administrative cases, article 8 in economic cases, and article 9 determines the administration of justice in constitutional surveillance cases;

(c) The Civil Procedure Code of Latvia. (A new draft of the Civil Procedure Code is being prepared.);

(d) The Code of Criminal Procedure of Latvia. (A new draft project of the Criminal Procedure Code is being prepared.);

(e) The Code of Administrative Abuses of Latvia. (A new draft of the Code of Administrative Abuses of Latvia, as well as of the Law of Administrative Procedure, is being prepared.)

The human rights contained in article 14, paragraph 1, of the Covenant are guaranteed by the procedure codes in effect and in the new drafts.

99. The rights provided for in article 14, paragraph 2 of the Covenant are guaranteed by the presumption of innocence determined by the following laws of the Republic of Latvia:

(a) The Law on the Rights and Obligations of a Citizen and a Person (art. 18, part 1);

(b) The law on Judicial Power (art. 23);

(c) The Criminal Procedure Code of Latvia (art. 19.1), which states that nobody shall be considered guilty of committing a crime and tried until proven guilty according to the law and until a court decision has been made. The onus of proof is on the prosecutor. The accused does not have to prove his innocence. Evidence given during the trial shall be used in assessing the verdict. A finding of guilt is based on such evidence. In the event of doubt about guilt, the benefit of the doubt shall be given to the defendant. Likewise any doubt in the interpretation of criminal laws and codes shall be assessed in favour of the defendant.

100. The rights determined in article 14, paragraph 3, of the Covenant are guaranteed by:

(a) The Law on the Rights and Obligations of a Citizen and a Person (arts. 12, 15, 18);

(b) The law on Judicial Power (chap. 1, "The power of courts"; chap. 2, "The principles and guarantees of court independence"; chap. 3, "The main principles of investigating cases"; chap. 4, "District (city) court"; chap. 5 "Regional court"; chap. 6 "Supreme court");

(c) The Criminal Procedure Code of Latvia, which guarantees all the rights provided for in article 14, paragraph 3, of the Covenant, including the right to defence from the moment a person is recognized as suspect in the order fixed by the law. Defence is guaranteed to persons unable to secure a defence counsel for their legal assistance. In these cases the assigned counsels participate in the trial and the State pays for their work. The court may recover this sum from the convicted on behalf of the State but legal assistance is free in cases prescribed by law (art. 96). The Criminal Procedure Code of Latvia states that if a person participating in the case does not have a sufficient command of the language used in the procedure, the court, judge, prosecutor, investigator and the investigating authority shall provide for the right to lodge applications, give evidence, present petitions, read the court materials and speak in the court in a language that the person knows and to use an interpreter in the order fixed by the law. The procedural documents given to the accused, defendant, or other participants in the trial, who do not know the language of the procedure, shall be translated into a language they know (art. 16, part 11).

101. The terms of paragraph 4, article 14 of the Covenant are guaranteed by:

(a) The Criminal Code of Latvia, article 10 of which states that only persons above 16 years of age at the moment of committing a crime can be charged with criminal offences. Persons between the ages of 14 and 16 can

only be charged with those criminal offences of a serious nature listed in the Criminal Code of Latvia (art. 10, part 11). Article 36 states that there is a commutation of guilt if a crime is committed by a juvenile. Article 22 states that a person shall not be sentenced to death if he or she has not reached the age of 18 at the moment of committing a crime. Article 23 determines that a person under 18 at the moment of committing a crime cannot be sentenced to imprisonment for a period exceeding 10 years;

(b) The Criminal Procedure Code of Latvia, which provides additional guarantees for the rights of juvenile suspects, and accused and convicted juveniles: the compulsory participation of a defence counsel (art. 98); the participation of the legal representatives of the juvenile in court (arts. 105, 251); the participation of teachers and psychologists in the examination of accused juveniles (art. 152); the application of special means of security to an accused juvenile - that of parents' supervision (art. 81); special conditions of security custody for accused juveniles (arts. 76, 77.1); special conditions for trial (art. 264). A special procedure in the case of juveniles is provided for in the new draft Criminal Procedure Code of Latvia.

102. The rights provided for in article 14, paragraph 5, of the Covenant are guaranteed by:

(a) The Law on Judicial Power, which determines a three-tier court system;

(b) The Criminal Procedure Code of Latvia (chap. 5, "Retrial of the court's judgements and decisions which have not been enforced"; chap. 7 "Retrial of enforced judgements and decisions"). The Law on Judicial Power is not fully implemented with respect to a three-tier court system. But the programme for the reform of the courts of Latvia has been worked out. It envisages the fulfilment of this reform in two stages, in pre-court investigation authorities and in court. According to this programme, the first stage must be put into practice in 1994, the second in 1995. To provide for the first stage of court reform in Latvia, additions and amendments to the Criminal Procedure Code of Latvia have been introduced in the Saeima (Parliament). To carry out the second stage of court reform, the new criminal procedure code of Latvia must be adopted.

103. The rights set out in article 14, paragraph 6, of the Covenant are provided for in the laws of the Republic of Latvia (see above).

104. The rights determined in article 14, paragraph 7, of the Covenant are guaranteed by the Criminal Procedure Code of Latvia (art. 5, paras. 9, 10). A criminal trial cannot be initiated against a person who has already been charged in the same case and a court decision on the dismissal of the case is in force on the same basis, nor against a person on whom there is a non-abolished decision of the investigating authority, investigator, prosecutor about the dismissal of the case, with the exception of the cases when the court under whose authority the case is, considers it necessary to bring an action.

Article 15

105. The provisions of this article are guaranteed by the Criminal Procedure Code of Latvia (arts. 4 and 6), which determines the territorial and temporal applicability of the Criminal law in the Republic of Latvia and outside it.

Article 16

106. The Law on Civil Status states that the parents of a child have the duty to register the birth of a child, as well as determining the persons who can inform the registration office if the parents are not able to do so. In accordance with the Law of the Republic of Latvia of 11 December 1991 on the Register of Residents, information about persons born in Latvia, immigrants into Latvia and citizens of Latvia living abroad is kept in the register. Each person is given an individual and permanent personal identity number that is marked on personal documents and used in the registration of inhabitants.

Article 17

107. The conditions of this article are guaranteed by:

(a) The Law on the Rights and Obligations of a Citizen and a Person (arts. 16, 17);

(b) Article 11 of the first chapter, "General conditions", of the Criminal Procedure Code of Latvia, concerning "immunity of residence, the confidentiality of private life and correspondence". It is stated that procedural coercive measures such as search, withdrawal, inspection of rooms, the stopping of correspondence and its interception in postal and telegraph offices, as well as wire-tapping can be done only on the basis of and in the manner established under the law. In accordance with the legislation in force, the basis for these procedural actions can be the decision of the investigating authority, investigator, prosecutor, or court. The decision of the investigating authority, and the investigator, as stated in the Criminal Procedure Code of Latvia (arts. 168, 176, 176.1), must be sanctioned by a prosecutor;

(c) The Criminal Code of Latvia (art. 132), which envisages criminal liability for the breach of the confidentiality of correspondence and non-interference into home (art. 131). It is to be noted that owing to the court reform in Latvia additions and amendments to the Criminal Procedure Code of Latvia have been introduced which state that the decision concerning procedural coercive measures can be taken only by the judge (court). The same order is planned in the draft of the new criminal procedure code of Latvia.

Article 18

108. Latvia has no legislation which imposes any kind of diminishing of the fundamental rights of freedom of conscience of religion, either of individuals or the community. Article 35 of the Constitutional Law stipulates the State's separation from the Church, thus acknowledging freedom of choice to adopt any religion or views or to adopt none. It is stated in the article aforementioned that:

"People or their associations have the right to practise religious rituals and ceremonies. No one may be forced to participate in religious rituals and ceremonies or to learn religious doctrines. Religious or ideological motives do not free anyone from their responsibilities to the State and the necessity of observing the law."

109. The Law on Religious Organizations, adopted on 11 September 1990, states that:

"Every resident of the Republic of Latvia has the right to the freedom of conscience, conviction and religion, which includes the right to freely determine one's attitude to religion, to individually or together with others turn to any religion or to none of them, to take part in religious rituals, to freely change religion or other conviction, as well as to voice and to propagate one's conviction and one's views in accordance with the Constitution of the Republic and the standards of its laws."

The violation of equality in religious attitudes is punishable in compliance with the Criminal Code of Latvia (art. 137). The present Law on Religious Organizations (art. 3) for the first time in 50 years gives an opportunity for the optional study of the history and content of various religions at school:

"The State recognizes the right to ensure the religious upbringing of children in accordance with the convictions of their parents (adoptive parents), lawful guardians or custodians.

"Religious teaching can be studied individually or together with others at the schools of religious organizations, Sunday schools, in groups, summer camps, as well as in out-of-class lessons in State or private educational establishments on a voluntary basis.

"Pupils of State and private schools are given an opportunity to study the content, nature and history of varies religions.

"At the request of religious organizations or the parents of the children, the public institutions of local self-governments have to secure, as far as possible, the material preconditions for studying religious teaching."

The Saeima has adopted in first reading a new draft law on religious organizations, which conceptually permits the possibility of including in the curriculum voluntary study of the Christian religion (which is non-confessional, i.e. it is not a religious teaching), but those pupils whose parents object to it, shall have an opportunity to study an alternative subject (ethics). This necessity is caused by the real situation in the upbringing of youths during the period of post-Communism, when Communist "values" have failed, and under the conditions of a spiritual vacuum a certain moral degradation of the youth can be observed. The situation is similar in other post-Communism countries as well, where (in Estonia, Lithuania, etc.) religious teaching is already included in the school curriculum.

Article 19

110. The Constitutional Law serves as a legal basis for guaranteeing the freedom of expression. It stipulates, in article 30, that:

> "each person has the right to freely acquire and disseminate information, to express his/her views and ideas in oral, written or any other form. The realization of these rights must not be restricted by censorship. No one may be forced to express his/her political, religious, ethical or other views as well as his/her party affiliation."

The Constitutional Law and the Latvian Press Law contain provisions on free speech and press, and prohibition of censorship of the press or other mass media.

111. The United States Department of State mentioned in its Human Rights Report on Latvia for 1993 (these reports have long been valued by many human rights monitors as a fair and objective assessment of the human rights situation in countries around the globe) that "Latvia generally enjoyed freedom of speech and press throughout 1993". It is mentioned in this report that both "Latvian and Russian language papers printed a wide range of criticism. The media activity covered all aspects of public life." By 1993 almost all newspapers in Latvia had been privatized and the number of independent television and radio broadcasting services is growing rapidly, including both Latvian language and Russian language studios. The number of cable television studios and their subscribers is growing. In compliance with the Law of the Republic of Latvia of 1 January 1991 on the Press and Other Mass Media, all legal entities of the Republic of Latvia and competent natural persons have the right to found and issue mass media in the Republic of Latvia. Article 9 of this Law establishes that their registration is carried out by the Ministry of Justice on the basis of application by the founder, which should contain the following information:

> The founder, publisher or editorial board;
>
> Title of the mass medium;
>
> The envisaged contents and objectives of the mass medium;
>
> The territory or audience where most of the production of the mass medium is to be distributed;
>
> The initial periodicity and scope of the mass medium;
>
> The address of the editorial office of the mass medium.

Proof of payment of the State registration fee, Ls 15, is to be handed in together with the application for registration. The applications are considered and decisions taken within 10 days from the date of application, as provided by the Law.

Since the day on which the Law on the Press, entered into force, the only case of a mass medium being prohibited was that of the weekly newspaper

"Pilsonis", which was banned by a court decision on 19 October 1992 for breach of article 7 of the Law on the Press, namely, for instigation to disobedience towards the laws of the Republic of Latvia by violence and unlawful methods.

Article 20

112. Criminal liability for propaganda for war is provided for in the Criminal Code of Latvia (art. 66) and for the violation of racial and national equality in the Criminal Code of Latvia (art. 69).

Article 21

113. Article 32 of the Constitutional Law declares that the State guarantees freedom of assembly for previously announced peaceful gatherings, meetings, street processions and demonstrations. A stipulation has been made in the article aforementioned that "the local government may change the time or place of such events, if this is required in the interests of public safety and order". Therefore, it can be concluded that the Latvian authorities do not have the power to prohibit public gatherings, but are granted the power to change the time and the place of them, for example on the grounds of fear of public disorder.

114. As was noticed by the United States Department of State's human rights report for Latvia, "in 1993 numerous mass meetings and political demonstrations took place without government interference".

Article 22

115. The freedom of Association is granted to all persons in Latvia in accordance with article 31 of the Constitutional Law: "All people have the right to form public organizations and to participate in their activities, if the goals and practical actions of such organizations are not contrary to law". It is prohibited under the same article of the Constitutional Law "to form secret organizations and armed units which are not subject to the jurisdiction of the Republic of Latvia government and administrative institutions".

116. Twenty-three political parties with a wide range of political views participated in the elections for the Saeima (Parliament) on 5 and 6 June 1994.

117. The United States Department of State reporters in Latvia have observed that in October 1993 the Cabinet directed the authorities to close three small organizations that allegedly had plotted a coup against the Latvian Government in connection with the October insurrection in Moscow, including the Union of Communists. That organization and the like-minded Union for Veterans' Rights have sued the Government for its refusal to register them as legal organizations. Trials were scheduled to begin in December. Communist parties are illegal in Latvia. The only extant group of Communists is the politically insignificant Union of Communists. Although numerous small groupings have formed, resident Russians have not coalesced into any large, distinct, political movements.

Article 23

118. The Constitutional Law declares in article 36 that "family and marital rights are protected by the State. The basis of marriage is the voluntary union of a woman and a man, as well as their legal equality". The section on family law of the Civil Code of the Republic of Latvia of 1937 was re-established on 1 September 1993. The Law on Civil Status entered into force on 23 October 1993. Both documents form the legal basis for the determination of the mutual rights and obligations of spouses, as well as their obligations towards their children. Both documents determine the fundamental principles of equality between women and men.

119. Latvia has no legislation which imposes a prohibition on the right to marry and to found a family. The only restrictions for marriage are stipulated in article 32, i.e. before the age of 18 (art. 33 establishes the cases when a person can marry at the age of 16). It is prohibited to found a family if a person's inability is established by court (art. 34) or among persons of one sex (art. 35) or among near relatives - sisters and brothers (the same article).

120. During the marriage registration procedure, the terms of articles 56 and 57 of the Civil Code are strictly observed by the authorities concerned. In accordance with article 56 of the Civil Code a marriage cannot be performed if one of the fiancés is absent. In accordance with article 57 of the Civil Code the oral consent of both the bride and the groom must be given to the authorities. Both of them are asked whether they are ready to fulfil the duties and obligations which arise from this transaction. Afterwards, an official of the Department of Civil Status declares that the marriage has entered into force with the mutual consent of the parties and in accordance with the Civil Code. The equality of the rights and responsibilities of spouses during marriage and after its dissolution, and stipulations concerning the protection of any children are determined in the provisions of the first part of the Civil Code entitled, "Family law", where the rights and obligations of the persons aforementioned are prescribed in detail.

Article 24

121. The legal basis for regulating the obligations of parents, society and the State towards children is the following.

Article 36 of the Constitutional Law is the constitutional basis for guaranteeing the fundamental human rights of all children in Latvia:

> "... the rights of mothers and children are protected by the State ... the care and upbringing of children is in the first instance the right and responsibility of the parents or the guardians. Society and the State provide that the parents or the guardians are able to fulfil their responsibilities to their children. Children born within wedlock and those born out of wedlock have equal rights. The State guarantees special assistance and protection to children who are left without the care of their parents".

122. The Civil Code of the Republic of Latvia of 1937, which entered into force on 1 September 1993 (it was not in force during the years of Soviet occupation), addresses in detail questions of the rights and obligations of parents, the power of parents over children, and adoption.

123. The Law on the Civil Status of a Person, which entered into force on 23 October 1993, regulates the registration of a new-born child as a person. In accordance with article 22 of this Law every child which is born in the Republic of Latvia, must be registered within a period of one month. Article 29 provides that every child has the right to possess a given name and a surname. The same article stipulates that each child has a right to possess no more than two given names.

124. Article 25 of the Law on the Civil Status of a Person stipulates that when a child is registered the personalities about the nationality and the citizenship of parents are to be fixed by the authorities.

125. The Criminal Code of the Republic of Latvia determines (in art. 10, para. 2) criminal responsibility for certain kinds of crimes:

Murder (arts. 98, 100 of the Criminal Code);

Physical injuries, which have been made intentionally, which have caused a severe damage of health (arts. 105-108, 109, para. 1);

Rape (art. 121);

Theft (art. 139);

Robbery (art. 161);

Hooliganic actions (art. 204, paras. 2, 3);

Wilful liquidation or damaging of things (art. 146, para. 2);

Robbery of fire arms, ammunition (art. 219);

Wilful actions that can cause a railway accident (art. 81).

Article 10 determines that a criminal penalty may not be applied to persons who have committed crimes when under 18 years of age if these crimes do not present a hazard for society; in such cases punishments of a non-criminal character can be applied (stipulated in art. 58 of the Code aforementioned).

As it was mentioned in the human rights report of the United States Department of State for 1993 on Latvia, "The Government seeks to ensure that children's human rights are respected and their basic welfare needs met".

Article 25

126. The Constitutional Law on the Rights and Obligations of a Citizen and a Person stipulates in article 8:

> "citizens participate in the determination of State and social issues directly or through the mediation of freely-elected representatives. Citizens have equal rights to hold State office. Citizens have the right to establish political parties".

127. From 3 to 5 June 1993, the first free and fair elections were held in Latvia after more than 60 years.

128. In July 1993 the Saeima (Parliament) elected the representative of the Farmers' Union, Guntis Ulmanis, as the President of the State. The elections were scheduled without solving the problems of citizenship. The draft naturalization bill of the "Latvia's Way" Party passed through the Parliament (Saeima) in its first reading in November 1993.

129. On 15 July the Constitution (Satversme) of the Republic of Latvia of 1922 was re-established. Twenty-three political parties representing a wide scope of political views took part in the June 1993 elections. The right-centre coalitionist party "Latvia's Way" won 36 places in the Parliament (out of 100).

130. The Code of Administrative Abuses, in its article 204.1, establishes the administrative responsibility of the authorities for infringement of regulations concerning the voting procedure. The representative of "Latvia's Way", Mr. Valdis Birkavs, became Prime Minister and formed the Cabinet of Ministers. The right to take part in the conduct of public affairs is guaranteed by multiparty system and the organization of the powers established by the Constitution.

131. As it was mentioned before, the organization of powers is based on the principle of the separation of the legislative, executive and judicial powers. The judiciary is an independent power. As regards the executive power, it is firstly represented by the President of the State. The procedure for elections is established by law.

132. The Constitution (Satversme) of 1922 of the Republic of Latvia stipulates that the highest legislative body (Saeima) shall be elected in general, equal, direct and secret elections on the basis of proportionate representation (art. 6). In the division of Latvia into separate electoral districts the number of parliamentary representatives to be elected from each district shall be proportional to the number of electors in this district. Article 8 determines that "all Latvian citizens of both sexes, who enjoy all rights and who on the first day of elections are over 21 years of age, shall be entitled to vote". Article 10 stipulates that the Parliament shall be elected for a period of three years.

133. The same law determines that the President of the State shall be elected by the Saeima for a period of three years (art. 35). Article 36 provides that the President of the State shall be elected by secret ballot with a majority of not less than 51 votes from the Saeima members.

> "The President of the State shall represent the State in an international capacity; he/she shall accredit Latvian representatives abroad, and receive accredited representatives of foreign States. He shall carry out the decisions of the Saeima concerning the ratification of international treaties" (art. 41).

Article 44 determines that

> "the President of the State shall have the right to take steps indispensable to the military defence of the country, if another State has declared war on Latvia, or if an enemy is attacking Latvian frontiers. At the same time, the President of the State shall immediately convene the Saeima, which shall decide upon the declaration of war and the commencement of hostilities".

Article 45 stipulates that "the President of the State shall have the right to pardon criminals undergoing penal sentences. This right of pardon shall not apply to cases where the Law provides a different mode of pardon. Amnesty shall be granted by the Saeima". Article 46 provides that "the President of the State shall have the right to convene extraordinary meetings of the Cabinet for the discussion of an agenda prepared by him/her, and to preside over such meetings". Article 47 stipulates that "the President of the State shall have the right of legislative initiative".

> "The President of the State shall have the right to propose the dissolution of the Saeima. This shall be followed by a referendum. If in the referendum more than one half of the votes are cast in favour of dissolution, the Saeima shall be considered as dissolved and new elections shall be proclaimed. These elections shall take place within two months after the dissolution of the Saeima" (art. 48).

Article 26

134. The principle of equality of all persons before the law without any discrimination is established in article 12 of the Constitutional Law on the Rights and Obligations of a Citizen and a Person, which affirms that "all persons in Latvia are equal under the law regardless of race, nationality, sex, language, party affiliation, political and religious persuasion, social, material and occupational standing and origin". National legislation, in which a vast number of international conventions are incorporated (to which Latvia is a party), is based on this fundamental principle of non-discrimination.

135. Nevertheless, the legislation of the Republic of Latvia contains measures for interpreting these principles in practice. The rights of a person are established in the Law on Judicial Power, article 3 of which states that

> "Every individual has the right to be protected by the Court against infringements upon his/her life, health, personal freedom, honour, reputation, and property. Every individual has an equal right to have his/her case heard fairly and publicly by an independent and impartial court which shall determine his/her civil rights and obligations, or the validity of any criminal charge against him/her."

Article 4 of the Law aforementioned states that

> "all individuals are equal before law and Court, and have equal rights to be protected by law. Judgements shall be passed by the Court irrespective of the person's origin, social status and property, race and nationality, sex, education, language, religious affiliation, type and nature of occupation, place of residence, political or other views".

Article 27

136. In those States in which ethnic, religious or linguistic minorities exist, persons belonging to such minorities shall not be deprived of the right, in community with other members of their group, to enjoy their own culture, to practise their own religion or use their own language.

137. The Law on Religious Organizations was adopted on 11 September 1990 by the Supreme Council of the Republic of Latvia. Proceeding from the Constitution of the Republic and the priority of general human values, as well as observing international treaties and agreements concerning human rights in the sphere of religion, the Law on Religious Organizations regulates social relations through the exercise of freedom of conscience in accordance with the activities of religious organizations granted by the Constitution of the Republic. The Law on Religious Organizations provides that

> "every resident of the Republic of Latvia has the right to the freedom of conscience, conviction and religion which includes the rights to freely determine one's attitude to religion, to individually or together with others turn to any religion or to none of them, to take part in religious rituals, to freely change religious or other convictions, as well as to voice and to propagate one's conviction and one's views in accordance with the Constitution of the Republic and the standards of its laws".

138. The Law of the Republic of Latvia concerning the Unrestricted Development and Right to Cultural Autonomy of Latvia's Nationalities and Ethnic Groups was adopted on 19 March 1992, by the Supreme Council to guarantee to all nationalities and ethnic groups in the Republic of Latvia the right to cultural autonomy and self-administration of their culture. Paragraph 1 of the Law provides that "Republic of Latvia residents are guaranteed, regardless of their nationality, equal human rights which correspond to international

standards". Paragraph 2 states that "every permanent resident in the Republic of Latvia has the right to freely indicate his/her nationality or to restore his/her nationality to official documents in accordance with his/her national self-awareness".

139. The Law determines the responsibility of the Government and administrative institutions for the preservation of the national identity and historical cultural environment of Latvia's ancient nationality - the Livs and for the renewal and development of the socio-economic infrastructure of their inhabited territories. Article 5 of the Law provides that:

> "all Republic of Latvia permanent residents are guaranteed their right to establish their own national societies, associations and organizations. The Government's responsibility is to promote their activity and material provisions".

Paragraph 8 of the Law guarantees to all permanent residents of the Republic of Latvia "the rights to observe their own national traditions, to use their national symbols and to commemorate their national holidays".

140. In paragraph 9 the Republic of Latvia:

> "guarantees to all of its permanent residents the right to freely maintain contacts with their fellow countrymen in their historic homeland and in other countries, as well as the right to freely travel from and return to Latvia in accordance with the Republic of Latvia laws".

141. Paragraph 10 of the Law stipulates that:

> "the Republic of Latvia government institutions should promote the creation of material conditions for the development of the education, language and culture of the nationalities and ethnic groups residing within Latvia's territory, foreseeing defined sums from the Government's budget for such purposes. Issues regarding the education of nationalities and ethnic groups are governed by the Republic of Latvia 'Education Law'. National societies have the right to develop their own national educational institutions with their own resources".

142. Paragraph 11 determines that "the Republic of Latvia, based on international agreements, should promote the opportunities for its permanent residents to receive higher education in their native language outside Latvia". It is provided in paragraph 12 that "all nationalities and ethnic groups have the right to freely develop their own professional and amateur art".

143. Paragraph 13 stipulates that:

> "national societies, associations and organizations have the right to use the government mass media resources as well as to form their own mass media. The Republic of Latvia government institutions should promote the publication and distribution of national periodicals and literature".

144. It is stated in paragraph 14 that:

> "members of national cultural societies, associations and organizations have the right to undertake entrepreneurial activities in accordance with Republic of Latvia laws. National cultural societies enjoy various alleviations from taxes as determined by the Republic of Latvia laws".

145. Paragraph 15 declares that "the Government protects all national historical and cultural monuments and objects within the Republic of Latvia territory".

146. Paragraph 16 states that "any activity directed towards nationality discrimination or the promotion of national superiority or national hatred is punishable in accordance with existing law".

Conclusion

147. A brief description of Latvian legal provisions concerning fundamental rights and freedoms related to the implementation of the norms of the Covenant on Civil and Political Rights has been given in the preceding paragraphs.

148. Since 4 May 1990 when independence was proclaimed, relevant steps have been taken towards implementing human rights and freedoms. The process of drafting a new criminal code and new codes of civil procedure, criminal procedure, of administrative infringements and administrative procedure is still going on.

The process of establishing the State system is in progress.

Great efforts must be devoted to establishing the system of measures for effective ensuring of the implementation of the provisions of the International Covenant on Civil and Political Rights.